

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TARA LEIGH PATRICK a/k/a CARMEN
ELECTRA; CIELO JEAN “CJ” GIBSON;
DENISE TRLICA a/k/a DENISE MILANI;
JULIANNE KLAREN; RACHEL BERNSTEIN
a/k/a RACHEL KOREN; ROSA ACOSTA;
ABIGAIL RATCHORD; KEELEY HAZELL;
and KIMBERLY “KIM” COZZENS,

Plaintiffs,

v.

D. & B. CORP. and MARK FILTRANTI,

Defendants.

Civil No. 19-11445-LTS

ORDER

June 15, 2020

SOROKIN, J.

Plaintiffs sued Defendant D. & B. CORP. and Mark Filtranti for various claims arising out of the alleged unauthorized use of Plaintiffs’ images in association with Defendants’ business operations, including: violation of § 43 of the Lanham Act, 15 U.S.C. §1125(a)(1)(B): false advertising (Count I); violation of § 43 of the Lanham Act, 15 U.S.C. §1125(a)(1)(A): false association (Count II); violation of common law right of privacy (Count III); violation of M.G.L. c. 214 § 1B: right of privacy (Count IV); violation of M.G.L. c. 214 § 3A: unauthorized use of individual’s name, portrait, or picture (Count V); common law right of publicity (Count VI); violation of M.G.L. c. 93A § 11: unfair trade practices (Count VII); defamation (Count VIII); negligence and respondeat superior (Count IX); conversion (Count X); unjust enrichment (Count XI); quantum meruit (Count XII). Doc. No. 1.

Counsel for Defendants report that: (1) York Risk Services Group, Inc., now owned by Sedgwick, issued insurance to Defendant D. & B. covering at least some if not all of the years at issue in this lawsuit; (2) counsel for Defendants have notified the insurers of the lawsuit with a request for a defense; and (3) the insurance company has not responded either to written communication or telephone messages. In addition, both counsel for Plaintiffs and counsel for Defendants report that the insurance policies at issue at least arguably impose a duty to defend as well as a duty to indemnify in this case.

Accordingly, the Court hereby **ORDERS Sedgwick to appear at a hearing in this lawsuit on Tuesday June 30, 2020 at 11:00 a.m.** At the hearing, Sedgwick will report whether it intends to provide a defense to either of the Defendants.

The Court will hold this hearing by videoconference. No later than Friday June 26, 2020 at 2:00 p.m., Sedgwick shall provide the necessary contact information for the video conference to the Deputy Clerk, Maria Simeone.

The Clerk shall send this Order, by both regular mail postage pre-paid and certified mail return receipt requested, to each of the following:

William Duffy
Sedgwick
One Upper Pond Road Bldg F 4th Flr
Parisippany, NJ 10038

General Counsel
Sedgwick
One Upper Pond Road Bldg F 4th Flr
Parisippany, NJ 10038

Corporation Service Company (Registered Agent for Sedgwick)
84 State Street
BOSTON, MA 02109

The Clerk shall also send a copy of this order to Mr. Duffy at William.Duffy@Sedgwick.com. In addition, if counsel have an email address for Sedgwick's General Counsel, they shall provide it to Ms. Simeone so that the Court can provide email notification to him or her as well.

One more matter requires attention. During this interim period while the question of an insurance defense is resolved, Defendants shall each state the name of the attorney or attorneys now representing each Defendant. Defendants may make this statement in writing in advance of the upcoming hearing; however, if they do not do so in writing in advance, they shall appear at the hearing to so state orally. To the extent a Defendant names a lawyer not on the docket, that lawyer must file a notice of appearance at the same time as the designation. To the extent one or both of the lawyers now listed on the docket for the Defendants are not named by one or both Defendants, then the Clerk shall terminate the appearance of that lawyer in this case on behalf of the Defendant not naming the lawyer.

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge